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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,234	03/26/2001	Yuichi Kimikawa	Q63639	8731
7590	02/07/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				PATEL, GAUTAM
		ART UNIT	PAPER NUMBER	
		2655		

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/816,234	KIMIKAWA, YUICHI
	<b>Examiner</b>	<b>Art Unit</b>
	Gautam R. Patel	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 November 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) 4-7 and 13-16 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-3,8-12 and 17 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-17 are pending for the examination. Claims 1-3, 8-12, 17 are elected.

#### **Election/Restriction**

2. Claims 4-7, and 13-16 withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a non-elected program conversion method. Election was made without traverse in Paper dated 11-01-04.

#### **Priority**

3. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

#### **Specification**

4. The disclosure is objected for following reasons.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. It is recommended that the title should reflect the gist of or the improvement of the present invention.

Correction is required.

#### **Claim Objections**

5. Following claims are objected.

- a. Claim 2 and 11 are objected for following reasons.

It is not very clear from the structure of the sentence that what is being done under what conditions. For example in claim 2, “an applying device for, in recording or reproducing the information, when a value of an error signal .....”.

- b. Also claim 9 is objected for following reasons.

Claim 9 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is not clear if claim 9 is independent or it is dependent on claim.

The Applicant is urged to write claim 9 in independent form and put all the limitations of claim 1 under it or cancel the claim.

Corrections are required.

#### **Claim Rejections - 35 U.S.C. § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-12 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dakin et al., US. patent 4,375,091 (hereafter Dakin).

As to claim 1, Dakin discloses the invention as claimed, a carriage servo apparatus [see Figs. 1-6, especially 1-3] including a drive signal detecting device and a setting device, comprising:

a drive signal detecting device [fig. 1, unit 52] for detecting a minimum value [fig. 3, signal S<sub>4</sub>] of said drive signal required for moving the carriage device [fig. 1, unit 24] from a still state thereof [col. 5, line 63 to col. 6, line 48 & col. 8, line 59 to col. 9, line 11]; and

a setting device [fig. 1, unit 52] for setting said drive signal based on said detected minimum value when the information is recorded or reproduced [col. 5, line 63 to col. 6, line 48 & col. 8, line 59 to col. 9, line 11].

7. The aforementioned claim 2, recites the following elements, *inter alia*, disclosed in Dakin:

an applying device [fig. 1, unit 60] for, in recording or reproducing the information, when a value of an error signal indicating displacement of an emission position of said light beams relative to said information track is equal to or greater than a threshold set based on said minimum value, applying said drive signal set to said moving device [col. 6, line 22 to col. 7, line 2; col. 7, lines 34-53 and col. 8, lines 17-30].

8. The aforementioned claim 3, recites the following elements, *inter alia*, disclosed in Dakin:

a stillness detecting device [fig. 1, unit 50 & 32; col. 4, lines 55-65] for detecting whether or not said carriage device is still [fig. 2, STOP signal] [col. 9, lines 12-30]; and

a minimum drive signal applying device [fig. 1, unit 52] for, while changing a value of said drive signal in a state in which the carriage device is still, applying the drive signal to said moving device [col. 5, line 63 to col. 6, line 38], the drive signal value applied when said stillness detecting device detects start of movement of said carriage device due to the applying of said drive signal is defined as said minimum value [col. 6, line 4 to col. 7, line 2 and fig. 3].

NOTE: When motion is changed from forward to backward unit inherently has to detect stillness [or STOP signal].

9. The aforementioned claim 9, recites the following elements, *inter alia*, disclosed in Dakin:

said pickup device [fig. 1, unit 14]; said carriage device [fig. 1, unit 24]; and a reproduction device [fig. 1, unit 14] for reproducing said recorded information based on a detection signal from said pickup device, said detection signal corresponding to the information [col. 4, lines 30-54].

10. As to claims 10-12 and 17, they are method claims corresponding to claims 1-3 and 8 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 1-3 and 8 respectively, supra.

**Other prior art cited**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ceshkovsky et al. (US. Patent Re. 32,574) "Method and apparatus .....".

**Contact Information**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



**GAUTAM R. PATEL  
PRIMARY EXAMINER**

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2655

February 4, 2005